

BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR.
WADE H. HARGROVE
M. DANIEL MCGINN
MICHAEL D. MEEKER
WILLIAM G. MCNAIRY
EDWARD C. WINSLOW III
HOWARD L. WILLIAMS
GEORGE W. HOUSE
WILLIAM P.H. CARY
REID L. PHILLIPS
ROBERT A. SINGER
JOHN H. SMALL
RANDALL A. UNDERWOOD
S. LEIGH RODENBOUGH IV
MARK J. PRAK
JILL R. WILSON
MARC D. BISHOP
JIM W. PHILLIPS, JR.
MACK SPERLING
JEFFREY E. OLEJNIK
MARK DAVIDSON
JOHN W. ORMAND III
ROBERT J. KING III
V. RANDALL TINSLEY
S. KYLE WOOSLEY
FORREST W. CAMPBELL, JR.
MARCUS W. TRATHEN
JAMES C. ADAMS II
ELIZABETH S. BREWINGTON
H. ARTHUR BOLICK II
J. EDWIN TURLINGTON
JOHN M. CROSS, JR.
JENNIFER K. VAN ZANT
KEARNS DAVIS
DAVID W. SAR
BRIAN J. MCMILLAN
DAVID KUSHNER
CLINTON R. PINYAN

COE W. RAMSEY
ROBERT W. SAUNDERS
GINGER S. SHIELDS
JENNIFER T. HARROD
CHARLES E. COBLE
CHARLES F. MARSHALL III
PATRICK J. JOHNSON
STEPHEN G. HARTZELL
J. BENJAMIN DAVIS
JULIA C. AMBROSE
DARRELL A. FRUTH
IAIN MACSWEEN
NICOLE A. CRAWFORD
ALEXANDER ELKAN
PATRICIA W. GOODSON
JOHN S. BUFORD
SUSAN M. YOUNG
MELISSA H. WEAVER
WALTER L. TIPPETT, JR.
KATHERINE J. CLAYTON
KATHLEEN A. GLEASON
ELIZABETH E. SPAINHOUR
BENJAMIN R. NORMAN
JOSEPH A. PONZI
ADAM P.M. TARLETON
JOHN A. DUBERSTEIN
D.J. O'BRIEN III
ERIC M. DAVID
CLINT S. MORSE
CHARNANDA T. REID
MARY F. PEÑA
WES J. CAMDEN
REBECCA L. CAGE
BRYAN STARRETT
LAURA S. CHIPMAN
DORRIAN H. HORSEY
MICHAEL D. SCHAEFER
ANNA P. MCLAMB
DANIEL F.E. SMITH
W. MICHAEL DOWLING

MAILING ADDRESS
POST OFFICE BOX 1800
RALEIGH, N.C. 27602

OFFICE ADDRESS
1600 WELLS FARGO CAPITOL CENTER
150 FAYETTEVILLE STREET
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

HENRY E. FRYE
OF COUNSEL

WILLIAM G. ROSS, JR.
OF COUNSEL

SARA R. VIZITHUM
OF COUNSEL

DAVID D. SMYTH III
OF COUNSEL

JULIE J. SONG
OF COUNSEL

J. LEE LLOYD
PARTNER AND SPECIAL COUNSEL

FOUNDED 1897

AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1929-1983)
CLAUDE C. PIERCE (1913-1988)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)
L.P. McLENDON, JR. (1921-2010)

GREENSBORO OFFICE
2000 RENAISSANCE PLAZA
230 NORTH ELM STREET
GREENSBORO, N.C. 27401

WRITER'S DIRECT DIAL

October 12, 2012

Via Electronic Comment Filing System

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20544

Re: WBXX-TV, Crossville, TN (Facility ID 72971)
Request for Streamlined Financial Hardship Waiver,
Implementation of Commercial Advertisement Loudness
Mitigation (CALM) Act, MB Docket No. 11-93

Dear Ms. Dortch:

Our firm is counsel to Knoxville TV LLC ("Knoxville TV"), licensee of WBXX-TV, Crossville, Tennessee. By this letter, and pursuant to the streamlined processes adopted in the Commission's *Report and Order* issued December 13, 2011, in the above-captioned proceeding (the "*Order*"), Knoxville TV respectfully requests a waiver of the Commercial Advertisement Loudness Mitigation ("CALM") Act rules adopted therein for one year due to financial hardship.

Pursuant to the *Order*, “small broadcast stations” may request a waiver of the Commission’s CALM Act rules through a streamlined waiver process.¹ A “small broadcast station” is defined as a station (1) with no more than \$14 million in annual receipts, *or* (2) located in television markets 150 to 210.² Additionally, to qualify for a waiver under the streamlined process, an applicant must certify that it needs a delay of one year to obtain certain specified equipment in order to avoid financial hardship.³

Enclosed with this letter is the Certification of Dave Hanna, President of Knoxville TV who certifies (1) that WBXX-TV meets the Commission’s definition of a “small broadcast station” for the purposes of the streamlined financial hardship waiver process because, at all relevant times, Knoxville TV has less than \$14 million in annual receipts.⁴ Mr. Hanna further certifies that, to avoid financial hardship, Knoxville TV requires a one-year delay to obtain certain specified equipment necessary for WBXX-TV to comply with the Commission’s CALM Act rules.

Accordingly, WBXX-TV meets the definition of a “small broadcast station” and respectfully requests a waiver of CALM Act compliance for one year.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Respectfully submitted,

BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.



Elizabeth E. Spainhour
Counsel to Knoxville TV LLC

Enclosure

¹ *See Implementation of Commercial Advertisement Loudness Mitigation Act*, Report and Order, FCC 11-182, ¶¶ 52-53 (2011).

² *See id.*, ¶ 53.

³ *See id.*, ¶ 52.

⁴ WBXX-TV is licensed to Crossville, Tennessee, which is located in the Knoxville DMA (No. 61). *See* <http://www.nielsen.com/content/dam/corporate/us/en/public%20factsheets/tv/nielsen-2012-local-DMA-TV-penetration.pdf>.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Commercial)	MB Docket No. 11-93
Advertisement Loudness Mitigation (CALM))	
Act)	

Certification of Dave Hanna

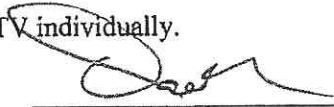
I, Dave Hanna, hereby certify as follows:

1. I am the President of Knoxville TV LLC ("Knoxville TV"), licensee of WBXX-TV, Crossville, Tennessee. I have held this position since 2011.
2. Knoxville TV is a for-profit corporation that airs general entertainment programming to its local viewers in the Knoxville Designated Market Area.
3. During the calendar year 2011, Knoxville TV had less than \$14 million in annual receipts. Knoxville TV anticipates that it will have less than \$14 million in annual receipts for both the 2012 and 2013 calendar years.
4. To avoid financial hardship, which would compromise Knoxville TV's mission to air community-responsive programming of interest to its viewers, Knoxville TV requires a waiver of the Commission's CALM Act rules for one year to allow it to obtain the necessary equipment to comply with the rules.
5. Attached as Exhibit 1 is an estimate provided by Digital Video Group Inc. listing in detail the equipment WBXX-TV requires to comply with the Commission's CALM Act rules. Several items are required to be used jointly by WBXX-TV and two other commonly owned stations that are also requesting waivers, WHDF(TV), Florence, Alabama, and WQCW(TV),

Portsmouth, Ohio. These include item numbers 3RUFRM, 5020, 5030, AVEPC, and 9690. Item numbers 7660 and 9670 are required by WBXX-TV individually.

Date

10/11/12


Dave Hanna
President
Knoxville TV LLC



Digital Video Group Inc.
8529 Meadowbridge Rd.
#100
Mechanicsville, VA 23116

Quotation

Date	Quote#
10/8/2012	DVG12-2407

Name / Address	Ship To
LBG 3914 Wistar Road Richmond VA 23228	LBG Broadcast Operations 3914 Wistar Road Richmond, VA 23228 Attn: Bob Pectelidis #804.672.6565

P.O. No.	Terms	Salesman	Account #	FOB	Project
	Net 20	DBT		OriginPPD&add	
Item	Description	Qty	Cost	Total	
3RUFM	Ensemble Avenue 3RU Frame (accepts any 10 modules)	1	932.82	932.82	
5020	Ensemble 5020 Avenue Redundant Power for 3RU	1	420.94	420.94	
5030	Ensemble Avenue 3RU System Control Module	1	700.00	700.00	
AVEPC	Avenue PC Control Software	1	234.40	234.40	
7660	Ensemble 7660, Avenue HD/SD AES or Analog Audio Embedder/Disembedder	4	2,250.00	9,000.00	
9670	Ensemble Designs 9670, Avenue Audio AGC - Software License	4	750.00	3,000.00	
9690	Ensemble Designs 9690, Avenue Audio Compliance Monitoring Software for use with 7660, 9600, 7555, 9550	1	398.45	398.45	
SHIPPING	Shipping & Handling	1	65.00	65.00	
				Subtotal	\$14,751.61
All warranties as per manufacturer's written warranties. Digital Video Group, Inc. retains title to all equipment until final payment is made. All returns are subject to restocking fee. No returns without return authorization number. By signing below, I and/or the above listed company agree to purchase the above listed equipment/services from Digital Video Group, Inc. Price does not include shipping charges.				Sales Tax (0.0%)	\$0.00
				Total	\$14,751.61

Accepted By: _____

Phone #	Fax #	E-mail	Web Site
804-559-8850	804-559-0017	sales@digitalvideogroup.com	www.digitalvideogroup.com